

REMARKS

Claims 1-2, 3-36, and 38-39 are now pending in the application. Claim 37 is cancelled by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

The Applicant thanks the Examiner for the interviews granted on September 28 and October 4, 2005. During the interview, independent Claim 1 and Claim 28 were discussed. In particular, the amendment presented herein for independent Claim 1 was discussed. In addition, the allowability of Claim 28 was discussed. Further, the reference to Moulin was discussed.

REJECTION UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 2, 4-23, 26, 27, 30-33, 35-37 and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Moulin, (FR 2 734 709 A1): Figures 29-31. Claims 28, 29 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moulin, FR 2 734 709 A1. These rejections are respectfully traversed.

The inclusion of the term "monolithic" is not intended to limit the claims to anything relating to stone, rock, crystal or the like. In particular, it is generally understood that monolithic can refer to something that includes no joints or seams, constituting a single unit or the like. Therefore, the term monolithic generally relates to or will be understood to relate to something that is a single piece or a single unit. Further, the Applicant has included the definition of monolithic from page 753 of the Merriam-Webster's Collegiate Dictionary 10th Edition that further supports a broad interpretation of the term monolithic.

Independent Claim 1 recites “a tibial component having a tibial tray defining tibial bearing surface and a tibial bone engaging surface; a monolithic bearing member having a first bearing surface operable to articulate with said first femoral bearing surface, a second bearing surface operable to articulate with said second femoral bearing surface; . . . wherein said tibial tray is monolithic”. As discussed with the Examiner, the Applicant submits that Moulin does not teach or fairly suggest a monolithic bearing member and a monolithic tibial tray. The cited art does not teach or fairly suggest a monolithic bearing member and a monolithic tibial tray that bear on one another. The art does not teach each of the elements of Claim 1, including a single piece tibial tray, with or without, other modular portions. Therefore, independent Claim 1 and each of the claims that depend directly or indirectly therefrom are in condition for allowance.

Independent Claim 13 recites “a monolithic bearing member”. For reasons similar to the reasons advanced for allowing independent Claim 1, independent Claim 13 should also be in condition for allowance as should be each of the claims that depend directly or indirectly therefrom.

Independent Claim 23 recites “connecting the tibia prosthetic component to the femoral prosthetic component with a ball and socket linkage”. Moulin does not teach a ball and socket linkage between any components. In particular, the ball and socket linkage is not obvious in light of the connection taught in Moulin. While the connection in Moulin appears to be a pressure fit between a block and the component it is definitely not a ball and socket connection. Further, independent Claim 23 recites “the linkage in the bearing member operable to allow the femoral component to translate in the

posterior direction and rotate during flexion of the joint.” Therefore, the Applicant submits that Moulin does not teach or suggest each of the elements of independent Claim 23. Accordingly, thus it is in condition for allowance as are each of the claims that depend directly or indirectly therefrom.

Further, the Applicant submits that, as recited in dependent Claim 28, a ball and socket connection is not disclosed or fairly suggested by the art of record. As discussed above, Moulin appears to simply disclose a compression element to hold an element in place and does not disclose a ball and socket connection for interconnecting various components. Therefore, the Applicant requests that the Examiner reconsider the rejection of dependant Claim 28.

Independent Claim 32 recites “a femoral component . . . a tibia component . . . a linkage mechanism moveably interconnecting the intermediate area of said femoral component and the posterior area of said tibia component.” Moulin does not teach interconnecting an intermediate area of a femoral component with a posterior area of a tibial component. Therefore, Moulin does not teach or fairly suggest each of the elements of independent Claim 32. Therefore independent Claim 32 and each of the claims that depend directly or indirectly therefrom are in condition for allowance.

Independent Claim 37 has been cancelled, therefore the rejection thereto has been rendered moot.

ALLOWABLE SUBJECT MATTER

The Applicant thanks the Examiner for the indication of allowance of independent Claims 24 and 25. Further, Claim 38 has been amended into independent format to


include each of the limitations of the claims from which it originally depended. Therefore, amended independent Claim 38 should be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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SJF/RWW/MLT/jb

medonae) of chiefly herbaceous seedplants having an
single cotyledon, usu. parallel-veined leaves, and floral
cycles of three — compare DICOTYLEDON — **mono-**
-mōn- 'd-n-sə\ adj.
ma-na-kras-se\, mā-n\ n (1651) : government by a single
crat\ mā-nə-krat\ n — **mono-cratic** \mā-nə-krā-
tīk\ adj.
ma-na-kris-tl\ n (1926) : a single crystal — **mono-**
mono-crystal-line \mā-nə-kris-tə-lēn\ also -lin-, -lēn\
adj.
ma-na-kyo-lar\, mā-\ adj [LL *monoculus* 'having one
eye of, involving, or affecting a single eye' 2: suitable for
one eye — **mon-oc-u-lar-ly** adv
(1936) : a monocular device
ma-na-kol-chər\ n (1915) 1: the cultivation or
single crop or organism esp. on agricultural or forest land
2: a population of a single kind of organism grown on land
— **mono-cul-tur-al** \mā-nə-kəl-chəl-, 'kəl-chə-\ adj
ma-ne-si-klīk\, 'si-\ adj [ISV] (1910) : containing one
molecular structure
ma-ne-sit\ n [ISV] (ca. 1913) : a large white blood cell
containing chromatin dispersed throughout the nucleus
in the bone marrow; enters the blood, and migrates into
tissue where it differentiates into a macrophage —
ma-ne-si-tik\ adj
ma-no-dis-pers\ adj [mon- + *disperse*, adj.; fr. *dis-*
(25) : characterized by particles of uniform size in a dis-
ma-no-dist\ n (1751) : a writer, singer, or composer of
ma-no-dra-ma-, -dra-\ n (1793) : a drama acted or
acted by a single person — **mono-dra-matic** \mā-nə-
dra-mā-tīk\ adj.
ma-no-dev\ n, pl -dies [ML *monodia*, fr. Gk *monodia*, fr.
sing. alone, fr. *mon-* + *aeidein* to sing — more at ode] (ca.
1600) 1: a song sung by one voice (as in a Greek tragedy) 2:
performed by one person 3: a: a monophonic vocal
monophonic style of 17th century opera — **mo-nod-ic** \
mo-nōd-īk\ or **mo-nod-i-cal** \-di-kəl\ adj — **mo-nod-i-cally** \-di-
kəl-ē\ adv
ma-ne-shəs, mā-\ adj [ultim. fr. Gk *mon-* + *oikos*
vicinity] (1753) 1: having pistillate and staminate
the same plant 2: having male and female sex organs in
individual — **HERMAPHRODITIC**
ma-ne-si-zəm\ n (1875) : the condition of being monoe-
ma-no-es-ter\ n (1927) : an ester (as of a dibasic acid)
only one ester group
ma-na-ni-fi-li-mōnt\ n (1940) : a single untwisted
ment (as of nylon)
ma-na-ga-mist\ n (1651) : one who practices or up-
ma-ne\ n [F *monogamie*; fr. LL *monogamia*; fr. Gk fr.
monogamos; fr. *mon-* + *gamos* marriage, fr. *gainein* to
(2) : **archaic** : the practice of marrying only once during a
(the state or custom of being married to one person at a
condition or practice of having a single mate during a
(as is common among birds) — **mo-nog-a-mous** (mə-
no-gə-'mōs) or **mono-gam-ic** \mā-nə-'gə-mīk\ adj — **mo-nog-a-**
ma-na-'gas-trīk\ adj (1814) : having a stomach with
compartment (swine, chicks; and human beings are ~)
an\ -je-nē-ən\ n [NL *Monogenea*, group name] (1899) : a
(rematode) — **monogenean** adj
ma-na-'je-na-səs\ n [NL] (ca. 1859) : origin of diverse in-
inds (as of language) by descent from a single ancestral
kind
ma-na-'je-ne-tik\ adj (1873) 1: relating to or involving
2: of, relating to, or being any of a subclass (Monoge-
mode worms that ordinarily live as ectoparasites on a sin-
(fish or amphibian) throughout their entire life cycle
ma-ne-nīk\ adj [ISV] (1939) : of, relating to, or controlled
one and esp. by either of an allelic pair — **mono-gen-i-cal-**
ma-\ adv
ma-na-'jarm\ adj [mon- + *germinate*] (1950) : produc-
fruit that gives rise to a single plant (a ~ sugar beet)
ma-na-'glat\ adj [mono- + *-glot* (as in *polyglot*)] (1830) : **MONO-**
monoglot n
ma-na-'gli-sə-'rid\ n (1860) : any of various esters
in which only one of the three hydroxyl groups is esterified
often used as emulsifiers
ma-na-'gram\ n [LL *monogramma*; fr. Gk *mon-* +
more at GRAM] (ca. 1696) : a sign of identity usu.
the combined initials of a name — **mono-gram-matic**
ma-nīk\ adj
ma-ni-grammed; gram-ming (1868) : to mark with a
— **mono-gram-mer** \-grā-mər\ n
ma-na-'graf\ n (1821) : a learned treatise on a small
thing; also : a written account of a single thing — **mono-**
ma-na-'gra-fīk\ adj
ma-ne\ (1876) : to write a monograph on
ma-na-'ja-nəs, mā-\ adj (ca. 1890) : of, relating to, or
ma-ne\ n [ISV] (1876) : the state or custom of having only
ma-na-'həl\ n (1967) : a vessel (as a sailboat) with a single
ma-na-'hi-brəd\ n (1903) : an individual or strain
for one specified gene — **monohybrid** adj
ma-na-'hī-drīk\ adj (1880) : **MONOHYDROXY-**
ma-na-'hī-drak-sev\ adj [ISV *monohydroxy*; fr. *mon-* +
(ca. 1934) : containing one hydroxyl group in the molecule
ma-na-'la-jər-, -lē-\ n (1926) : a single continuous
that is one cell or molecule in thickness

mono-ling-u-al \mə-'nɪŋ-gwəl, mə-'lɪŋ-gjə-wəl/ *adj* (1926) 1. knowing or using only one language — **monolingual** *n*
mono-lith \mə-'nɪ-lɪθ/ *n* [F *monolithe*, fr. *monolithe* consisting of a single stone, fr. L *monolithos*, fr. Gk *monólithos* 'fr. *mónē* 'lithos stone] (1848) 1. a single great stone often in the form of an obelisk or column 2. a massive structure 3. an organized whole that acts as a single unified powerful or influential force
mono-lith-ic \mə-'nɪ-lɪ-thɪk/ *adj* (1825) 1. a. of, relating to, or resembling a monolith — **HUGE MASSIVE** b. (1) : formed from a single crystal (a ~ silicon chip) (2) : produced in or on a monolithic chip (a ~ circuit) 2. a. cast as a single piece (a ~ concrete wall) b. formed or composed of material without joints or seams (a ~ floor covering) (a ~ furnace lining) c. consisting of or constituting a single unit 3. a. constituting a massive undifferentiated and often rigid whole (a ~ society) b. exhibiting or characterized by often rigidly fixed uniformity (~ party unity) — **mono-lith-i-cal-ly** \-thɪ-k(ə)-lē/ *adv*
mono-logue *also* mono-log \mə-'nɪ-ɒg, -əg/ *n* [MF *monologue*, fr. *mon-* + *-logue*] (1549) 1. a. SOLILOQUY 2. b. a dramatic sketch performed by one actor c. the routine of a stand-up comic 2. a literary composition written in the form of a soliloquy 3. a long speech monopolizing conversation — **mono-logu-ist** \-o-gɪst, -ə-/ *n* or **mono-no-log-ist** \sə-mə-ɒr mə-'nə-lə-ʒɪst/ *n* [NL] (1823) 1. a person who monopolizes conversation 2. a person who monopolizes a subject
mono-ma-ni-a \mə-'nə-mə-ni-ə/ *n* [NL] (1823) 1. mental illness esp. when limited in expression to one idea or area of thought 2. excessive concentration on a single object, or idea — **mono-ma-ni-ac** \-nē-ək/ *n* or *adj* — **mono-ma-ni-a-cal** \mə-'ni-ə-kəl/ *adj* — **mono-ma-ni-a-cal-ly** \-k(ə)-lē/ *adv*
mono-mer \mə-'nə-mər/ *n* [ISV] (1914) : a chemical compound that can undergo polymerization — **mo-no-mer-ic** \mə-'nə-mer-ɪk, mō-/ *adj*
mono-met-al-lic \mə-'nə-mə-tɪ-lɪk/ *adj* (1877) 1. of, or relating to monometallism 2. consisting of or employing one metal only
mono-met-al-lism \mə-'tɪ-lɪ-zəm/ *n* [ISV (*mon-* + *-metallism* (as in *bimetallism*))] (1879) : the adoption of one metal only in a currency — **mono-met-al-list** \-tɪ-lɪst/ *n*
mono-met-er \mə-'nə-mə-tər/ *n* [LL; fr. Gk *monometros*, fr. *mon-* + *metron* : measure : more at MEASURE] (ca. 1846) : a line of verse consisting of a single metrical foot or dipody
mono-mi-al \mə-'nə-mi-əl, mə-/ *n* [blend of *mon-* and *-nomial* (as in *binomial*)] (ca. 1706) 1. a mathematical expression consisting of a single term 2. a taxonomic name consisting of a single word or term — **monomial** *adj*
mono-mo-lec-u-lar \mə-'nə-mə-lē-kyə-lər/ *adj* (1917) : being only one molecule thick (a ~ film) — **mono-mo-lec-u-lar-ly** *adv*
mono-mor-ph-e-mic \mō-'fē-mɪk/ *adj* (1936) : consisting of only one morpheme (the word *talk* is ~ but *talked* is not)
mono-mor-ph-ic \mō-'fɪk/ *adj* (ca. 1879) : having but a single form, structural pattern, or genotype (a ~ species of insect) — **mono-morph-ism** \-ɪ-zəm/ *n*
mono-nu-cle-ar \nū-'kle-ər, -nyū-, -kyə-lər/ *adj* [ISV] (1886) : having only one nucleus (a ~ cell) — **mononuclear** *n*
mono-nu-cle-ate \nū-'kle-ət, -nyū-/ *adj* *also* **mono-nu-cle-ate** \-klē-ət, -ət/ *adj* (1890) : MONONUCLEAR
mono-nu-cle-o-sis \nū-'kle-ŋ-ŋ-səs, -nyū-/ *n* [NL; fr. ISV *mononuclear* + NL *-osis*] (1920) : an abnormal increase of mononuclear white blood cells in the blood; *specif.* INFECTIOUS MONONUCLEOSIS
mono-nu-cle-o-tide \nū-'kle-ŋ-tɪd, -nyū-/ *n* (1908) : a nucleotide that is derived from one molecule each of a nitrogenous base, a sugar, and a phosphoric acid
mono-noph-a-gous \mə-'nə-fə-gəs, mə-/ *adj* (ca. 1868) : feeding on or utilizing a single kind of food; *specif.* : feeding on a single kind of plant or animal — **mono-noph-a-gy** \-fə-jɪ/ *n*
mono-pho-nic \mə-'nə-fə-nɪk, -fō-/ *adj* (ca. 1864) 1. having a single unaccompanied melodic line 2. of or relating to sound transmission, recording, or reproduction involving a single transmission path
mono-pho-ni-cal-ly \-nɪ-k(ə)-lē/ *adv*
mono-pho-ny \mə-'nə-fə-nē, mə-/ *n* (ca. 1890) : monophonic music
mono-oph-thong \mə-'nə(f)-θŋ/ *n* [LGK *monophthongos* single vowel, fr. Gk *mónē* + *phthongos* sound] (1616) : a vowel sound that throughout its duration has a single constant articulatory position — **monoph-thon-gal** \mə-'nə(f)-θŋ-(g)əl/ *adj*
mono-phy-let-ic \mə-'nə-fɪ-lē-tɪk/ *adj* [ISV] (1874) : of or relating to a single stock; *specif.* : developed from a single common ancestral form — **mono-phy-ly** \mə-'nə-fɪ-lē/ *n*
Mono-phy-s-ite \mə-'nə-fɪ-sɪt/ *n* [ML *Monophysita*, fr. MGK *Monophysites*, fr. Gk *mónē* + *physis* nature : more at PHYSICS] (1698) : one holding the doctrine that Christ's nature remains altogether divine and not human even though he has taken on an earthly and human body with its cycle of birth, life, and death — **Monophysite** or **Mo-nophy-sit-ic** \-nə-fɪ-sɪ-tɪk/ *adj* — **Mo-nophy-sit-ism** \-nə-fɪ-sɪ-tɪ-zəm/ *n*
mono-plane \mə-'nə-plæn/ *n* (1907) : an airplane with only one main supporting surface
mono-ploid \mə-'nə-ploɪd/ *adj* (1928) 1. HAPLOID 2. having or being the basic haploid number of chromosomes in a polyploid series of organisms
monoploid *n* [ISV] (1944) : a monoploid individual or organism
mono-po-di-al \mə-'nə-pō-dē-əl/ *adj* [NL *monopodium* main axis, fr. *mónē* + *-podium*] (1876) : having or involving the formation of offshoots from a main axis — **mono-po-di-al-ly** \-dē-ə-lē/ *adv*
mono-pole \mə-'nə-pōl/ *n* (1937) 1. a single positive or negative electrical charge; *also* : a hypothetical north or south magnetic pole existing alone 2. a radio antenna consisting of a single often straight element
mo-nop-o-lise *Brit. var of MONOPOLIZE*

ʌ) about ʼʌ kitten, F table ʌr) further ʼa ash ʼā ace ʼa mop, mar
 ʼaʊ) out ʼch) chin ʼe) bet ʼe) easy ʼg) go, ʼh) hit ʼi) ice ʼʊ) job
 ʼj) sing ʼl) go ʼl) law ʼoi) boy ʼth) thin ʼth) the ʼü) loot ʼü) foot
 ʼy) yet ʼzh) vision ʼä, k, ʼ, æ, u, ü, ʼ see Guide to Pronunciation

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